

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

United States of America)	
)	C.A. No. 6:07-710-HMH
vs.)	
)	OPINION & ORDER
Dwight Lamar Spears,)	
)	
Movant.)	

This matter is before the court on Dwight Lamar Spears’ (“Spears”) pro se motion for transcript at government’s expense. This court construes pro se motions liberally, and such pro se motions are held to a less stringent standard than those drafted by attorneys. See Gordon v. Leeke, 574 F.2d 1147, 1151 (4th Cir. 1978). However, even if the court applies this less stringent standard, Spears’ request for a transcript “of the above referenced case” at the Government’s expense cannot be granted. A prisoner who requests free copies of records in his or her criminal case, whether it is a state case or a federal case, must show a particularized need for such records. Jones v. Superintendent, Virginia State Farm, 460 F.2d 150, 152-53 (4th Cir. 1972), reh’g granted, 465 F.2d 1091, 1094 (4th Cir. 1972) (adhering to prior opinion and denying rehearing en banc); Morin v. United States, 522 F.2d 8, 9 (4th Cir. 1975) (applying Jones to federal prisoner).

Spears has not shown a particularized need for the transcript. Spears simply states that the transcript is needed “for consideration of an issue which is before the United States Court of Appeals for the Fourth Circuit.” (Mot. Tran. 1.) Accordingly, Spears’ motion for a copy of transcript at the Government’s expense is denied. Spears may obtain a copy of the transcript from the court reporter at his own expense, if he so desires.

It is therefore

ORDERED that Spears' motion for transcript at the government's expense, docket number 463, is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
December 17, 2008

NOTICE OF RIGHT TO APPEAL

Movant is hereby notified that he has the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.